
A BILL FOR AN ACT

RELATING TO NURSING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that advanced practice
2 registered nurses are primary care providers who may practice to
3 the full scope of practice allowed under chapter 457, Hawaii
4 Revised States. The legislature further finds that, as licensed
5 health care practitioners, advanced practice registered nurses
6 are qualified to provide primary medical care services to
7 adolescents and fulfill a vital role in caring for patients'
8 current and future health needs. The legislature additionally
9 finds that removing barriers to practice for advanced practice
10 registered nurses will result in improved access to safe,
11 timely, quality health care for the people of Hawaii.

12 The purpose of this Act is to allow advanced practice
13 registered nurses to offer care and services, similar to those
14 offered by physicians and other health care service providers,
15 to minors and patients in assisted community treatment.

16 SECTION 2. Section 334-121, Hawaii Revised Statutes, is
17 amended to read as follows:



- 1 "§334-121 Criteria for assisted community treatment. A
2 person may be ordered to obtain assisted community treatment if
3 the family court finds that:
- 4 (1) The person is mentally ill or suffering from substance
5 abuse; [~~and~~]
- 6 (2) The person is unlikely to live safely in the community
7 without available supervision based on the
8 professional opinion of a psychiatrist[+] or advanced
9 practice registered nurse; [~~and~~]
- 10 (3) The person, at some time in the past: (A) has
11 received inpatient hospital treatment for mental
12 illness or substance abuse or (B) has been found to be
13 imminently dangerous to self or others, as a result of
14 mental illness or substance abuse; [~~and~~]
- 15 (4) The person, based on the person's treatment history
16 and current condition, is now in need of treatment in
17 order to prevent a relapse or deterioration which
18 would predictably result in the person becoming
19 imminently dangerous to self or others; [~~and~~]
- 20 (5) The person has a history of a lack of adherence to
21 treatment for mental illness or substance abuse, and



1 the person's current mental status, or the nature of
2 the person's disorder limits or negates the person's
3 ability to make an informed decision to voluntarily
4 seek or comply with recommended treatment; [~~and~~]

5 (6) The assisted community treatment is medically
6 appropriate, and in the person's medical interests;
7 and

8 (7) Considering less intrusive alternatives, assisted
9 community treatment is essential to prevent the danger
10 posed by the person."

11 SECTION 3. Section 334-122, Hawaii Revised Statutes, is
12 amended by adding two new definitions to be appropriately
13 inserted and to read as follows:

14 "Advanced practice registered nurse" means a registered
15 nurse licensed to practice in this State who has met the
16 qualifications set forth in chapter 457 and this part; because
17 of advanced education and specialized clinical training, is
18 authorized to assess, screen, diagnose, order, utilize, or
19 perform medical, therapeutic, preventive, or corrective
20 measures; and holds a national certification in a psychiatric
21 specialization.



1 SECTION 4. Section 334-123, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) The petition may be accompanied by a certificate of a
4 licensed psychiatrist or advanced practice registered nurse who
5 has examined the subject of the petition within twenty calendar
6 days prior to the filing of the petition. For purposes of the
7 petition, an examination shall be considered valid so long as
8 the licensed psychiatrist or advanced practice registered nurse
9 has obtained enough information from the subject of the petition
10 to reach a diagnosis of the subject of the petition, and to
11 express a professional opinion concerning the same, even if the
12 subject of the petition is not fully cooperative."

13 SECTION 5. Section 334-126, Hawaii Revised Statutes, is
14 amended by amending subsection (h) to read as follows:

15 "(h) No subject of the petition shall be ordered to
16 receive assisted community treatment unless at least one
17 psychiatrist or advanced practice registered nurse testifies in
18 person at the hearing who has personally assessed the subject,
19 within a reasonable time before the filing of the petition up to
20 the time when the psychiatrist or advanced practice registered
21 nurse provides oral testimony at court. The psychiatrist's or



1 advanced practice registered nurse's testimony shall state the
2 facts which support the allegation that the subject meets all
3 the criteria for assisted community treatment, provide a written
4 treatment plan, which shall include non-mental health treatment
5 if appropriate, provide the rationale for the recommended
6 treatment, and identify the designated mental health program
7 responsible for the coordination of care.

8 If the recommended assisted community treatment includes
9 medication, the psychiatrist's or advanced practice registered
10 nurse's testimony shall describe the types or classes of
11 medication which should be authorized, and describe the physical
12 and mental beneficial and detrimental effects of such
13 medication."

14 SECTION 6. Section 334-127, Hawaii Revised Statutes, is
15 amended by amending subsections (b) and (c) to read as follows:

16 "(b) If after hearing all relevant evidence, including the
17 results of any diagnostic examination ordered by the family
18 court, the family court finds that the criteria for assisted
19 community treatment under section 334-121(1) have been met
20 beyond a reasonable doubt and that the criteria under section
21 334-121(2) to 334-121(7) have been met by clear and convincing



1 evidence, the family court shall order the subject to obtain
2 assisted community treatment for a period of not more than one
3 year. The written treatment plan submitted pursuant to section
4 334-126(h) shall be attached to the order and made a part of the
5 order.

6 If the family court finds by clear and convincing evidence
7 that the beneficial mental and physical effects of recommended
8 medication outweigh the detrimental mental and physical effects,
9 if any, the order may authorize types or classes of medication
10 to be included in treatment at the discretion of the treating
11 psychiatrist [-] or advanced practice registered nurse.

12 The court order shall also state who should receive notice
13 of intent to discharge early in the event that the treating
14 psychiatrist or advanced practice registered determines, prior
15 to the end of the court ordered period of treatment, that the
16 subject should be discharged early from assisted community
17 treatment.

18 (c) The family court shall also designate on the order the
19 treating psychiatrist or advanced practice registered nurse who
20 is to be responsible for the management and supervision of the
21 subject's treatment, or shall assign an administrator of a



1 designated mental health program to, in turn, designate the
 2 treating psychiatrist or advanced practice registered nurse
 3 during the treatment period without court approval, and may
 4 designate either a publicly employed psychiatrist [7] or advanced
 5 practice registered nurse, or a private psychiatrist [7] or
 6 advanced practice registered nurse; provided that the private
 7 psychiatrist or advanced practice registered nurse shall agree
 8 to the designation. The order for assisted community treatment
 9 shall be subject to the Health Care Privacy Harmonization Act,
 10 [4]chapter 323B [4]."

11 SECTION 7. Section 334-129, Hawaii Revised Statutes, is
 12 amended as follows:

13 1. By amending subsection (a) to read:

14 "(a) A treating psychiatrist or advanced practice
 15 registered nurse may prescribe or administer to the subject of
 16 the order reasonable and appropriate medication or medications,
 17 if specifically authorized by the court order, and treatment
 18 which is consistent with accepted medical standards and the
 19 family court order, including the written treatment plan
 20 submitted pursuant to section 334-126(h)."

21 2. By amending subsection (d) to read:



1 "(d) The designated mental health program's treating
2 psychiatrist or advanced practice registered nurse or
3 psychiatrist's or advanced practice registered nurse's designee
4 shall make all reasonable efforts to solicit the subject's
5 compliance with the prescribed treatment. If the subject fails
6 or refuses to comply after the efforts to solicit compliance,
7 the treating psychiatrist or advanced practice registered nurse
8 shall assess whether the subject of the order meets criteria for
9 admission to a psychiatric facility under part IV of this
10 chapter, and proceed with the admission pursuant to section 334-
11 59(a)(2) or (3); provided that the refusal of treatment shall
12 not, by itself, constitute a basis for involuntary
13 hospitalization."

14 SECTION 8. Section 334-131, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:

16 "(a) When the treating psychiatrist or advanced practice
17 registered nurse contemplates discharge for a subject of the
18 order because of expiration of the court order or because the
19 subject of the order is no longer a proper subject for assisted
20 community treatment, as determined by the criteria in section



1 334-121, the treating psychiatrist or advanced practice
2 registered nurse shall provide notice of intent to discharge."

3 SECTION 9. Section 577-29, Hawaii Revised Statutes, is
4 amended by amending subsection (f) to read as follows:

5 "(f) As used in this section:

6 "Licensed mental health professional" means any of the
7 following:

- 8 (1) A person licensed as a mental health counselor
9 pursuant to chapter 453D;
- 10 (2) A person licensed as a marriage and family therapist
11 pursuant to chapter 451J;
- 12 (3) A clinical social worker licensed pursuant to chapter
13 467E;
- 14 (4) A person licensed as a psychologist pursuant to
15 chapter 465; [~~or~~]
- 16 (5) A board certified, or board eligible, licensed
17 psychiatrist [~~-~~]; or
- 18 (6) An advanced practice registered nurse licensed
19 pursuant to chapter 457 who holds a national
20 certification in a psychiatric specialization.



1 "Mental health treatment or counseling services" means the
2 provision of outpatient mental health treatment or counseling by
3 a licensed mental health professional."

4 SECTION 10. Section 577A-2, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§577A-2 Consent valid.** The consent to the provision of
7 medical care and services by public and private hospitals or
8 public and private clinics, or the performance of medical care
9 and services by a physician licensed to practice medicine[7] or
10 advanced practice registered nurse as defined in section
11 457-2.7, when executed by a female minor who is or professes to
12 be pregnant, or by a minor who is or professes to be afflicted
13 with a venereal disease, or a minor seeking family planning
14 services shall be valid and binding as if the minor had achieved
15 his or her majority as the case may be; that is, a female minor
16 who is, or professes to be pregnant, or a minor who is, or
17 professes to be afflicted with a venereal disease, or a minor
18 seeking family planning services shall be deemed to have, and
19 shall have the same legal capacity to act, and the same legal
20 obligations with regard to the giving of such consent to such
21 hospitals and such clinics or medical care and services to be



1 provided by a physician licensed to practice medicine[7] or
2 advanced practice registered nurse as defined in section
3 457-2.7, as a person of full legal age and capacity, the infancy
4 of the minor and any contrary provisions of law notwithstanding,
5 and such consent shall not be subject to later disaffirmance by
6 reason of such minority; and the consent of no other person or
7 persons (including, but not limited to a spouse, parent,
8 custodian, or guardian) shall be necessary in order to authorize
9 such hospitals or such clinics or medical care and services
10 provided by a physician licensed to practice medicine[7] or
11 advanced practice registered nurse as defined in section
12 457-2.7, to such a minor."

13 SECTION 11. Section 577A-3, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "§577A-3 Providing information. Public and private
16 hospitals, or public and private clinics or physicians licensed
17 to practice medicine or advanced practice registered nurses as
18 defined in section 457-2.7 may, at the discretion of the
19 treating physician[7] or advanced practice registered nurse,
20 inform the spouse, parent, custodian, or guardian of any minor
21 patient of the provision of medical care and services to the



1 minor or disclose any information pertaining to such care and
2 services after consulting with the minor patient to whom such
3 medical care and services have been provided under this chapter.

4 If the minor patient is not diagnosed as being pregnant or
5 afflicted with venereal disease, such information as well as the
6 application for diagnosis may be disclosed, at the discretion of
7 the treating physician or advanced practice registered nurse
8 after consulting with the minor patient."

9 SECTION 12. Section 577A-4, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§577A-4 Financial responsibility; counseling.** (a) If a
12 minor consents to receive medical care and services, the spouse,
13 parent, custodian, or guardian of the minor patient shall not be
14 liable for the legal obligations resulting from the furnishing
15 of medical care and services provided by the public and private
16 hospital, ~~[or]~~ public and private clinic or physician licensed
17 to practice medicine~~[-]~~, or advanced practice registered nurse
18 as defined in section 457-2.7. A minor who consents to the
19 provision of medical care and services under this section shall
20 assume financial responsibility for the costs of such medical
21 care and services. Any other law to the contrary



1 notwithstanding, no spouse, parent, custodian, or guardian whose
2 consent has not been obtained or who has no prior knowledge that
3 the minor has consented to the provision of such medical care
4 and services shall be liable for the costs incurred by virtue of
5 the minor's consent.

6 (b) Medical care and services shall include individual
7 counseling for each minor patient by a physician licensed to
8 practice medicine[-] or advanced practice registered nurse as
9 defined in section 457-2.7. Such counseling shall seek to open
10 the lines of communication between parent and child."

11 SECTION 13. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 14. This Act shall take effect on July 1, 2090.



Report Title:

Advanced Practice Registered Nurses; Health Care Practitioners;
Minors; Assisted Community Treatment; Health Services

Description:

Allows advanced practice registered nurses to offer care and services to minors and patients in assisted community treatment programs similar to care and services offered by physicians and other health care service providers. (HB912 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

